

**SENATE JUDICIARY COMMITTEE AMENDMENT by O'Brien**

**AMENDMENT NO.** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**AMEND Senate Bill No. 2672\***

**House Bill No. 2575**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 5, is amended by adding the following as new sections:

Section 39-13-524. (a) In addition to the punishment authorized by the specific statute prohibiting the conduct, any person who, on or after July 1, 1996, commits a violation of Tennessee Code Annotated, Section 39-13-522, 39-13-502, 39-13-503, 39-13-504, or attempts to commit a violation of any such section, shall receive a sentence of community supervision for life.

(b) The judgment of conviction for all persons to whom the provisions of subsection (a) apply shall include that such person is sentenced to community supervision for life.

(c) The sentence of community supervision for life shall commence immediately upon the expiration of the term of imprisonment imposed upon such person by the court or upon such person's release from regular parole supervision, whichever first occurs.

(d)(1) A person on community supervision shall be under the jurisdiction, supervision and control of the board of paroles in the same manner as a person under parole supervision. The board is authorized on an individual basis to establish such conditions of community supervision as are necessary to protect the public from such person committing a new sex offense as well as promoting the rehabilitation of the person.

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(2) The board is authorized to impose and enforce a supervision and rehabilitation fee upon a person on community supervision similar to the fee imposed by Tennessee Code Annotated, Section 40-28-201. To the extent possible the board shall set such fee in an amount that will substantially defray the cost of the community supervision program. The board shall also establish a fee waiver procedure for hardship cases and indigency.

Section 39-13-525. (a) After a person sentenced to community supervision pursuant to Tennessee Code Annotated, Section 39-13-524, has been on such supervision for a period of fifteen (15) years, such person may petition the sentencing court for release from community supervision.

(b) Upon receiving such a petition, the court shall, at least thirty (30) days prior to a hearing on the petition, cause the office of the district attorney responsible for prosecuting the person to be notified of the person's petition for release from supervision. Upon being notified, the district attorney general shall conduct a criminal history check on such person to determine if he or she has been convicted of a criminal offense during the period of community supervision. The district attorney general shall report the results of such criminal history check to the court together with any other comments the district attorney general may have concerning the person's petition for release. The district attorney general may also appear and testify at the hearing in lieu of or in addition to submitting written comments.

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(c) Between the date the petition is filed with the court and the date established by the court for a hearing on the petition, if the person is entitled to a hearing, the person shall be examined and evaluated by a psychiatrist or licensed psychologist with health service designation approved by the board. The cost of such examination and evaluation shall be the sole responsibility of the person petitioning for release from supervision. No hearing on such petition may be conducted until such person has been examined and evaluated in accordance with this subsection.

(d)(1) If the report of the district attorney general indicates that the petitioner has been convicted of a criminal offense while under community supervision, the court shall deny the petition without conducting a hearing.

(2) If the report of the district attorney general indicates that the petitioner has not been convicted of a criminal offense while under community supervision, the court shall conduct a hearing on the petition. At the hearing, the court shall call such witnesses, including the examining psychiatrist or licensed psychologist with health service designation or the prosecuting district attorney general, as the court deems necessary to reach an informed and just decision on whether the petitioner should be released from community supervision. The petitioner may offer such witnesses and other proof at the hearing as is relevant to the petition.

(3) If a petition for release from supervision is denied by the court, such person may not file another such petition for a period of three (3) years.

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Section 39-13-526. (a) It is an offense for a person to knowingly violate a condition of community supervision imposed upon such person pursuant to Tennessee Code Annotated, Section 39-13-524.

(b) Violation of a condition of community supervision is a Class E felony and each violation shall constitute a separate offense.

(c) If the violation of community supervision involves the commission of a new offense, the sentence for a violation of this section shall be served consecutive to any sentence received for commission of the new offense.

SECTION 2. Tennessee Code Annotated, Section 40-28-104, is amended by adding the following new appropriately numbered item to subsection (a):

( ) To establish conditions of supervision for and supervise sex offenders sentenced to community supervision for life pursuant to Tennessee Code Annotated, Section 39-13-524;

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect on July 1, 1996, the public welfare requiring it and shall apply to all persons committing applicable sex offenses on or after such date.

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This amendment would rewrite the printed bill and would require that sex offenders be sentenced to community supervision for life. Such sentence shall begin immediately upon expiration of such person's term of imprisonment or upon such person's release from parole supervision, whichever occurs first. The conditions of such supervision shall be established on an individual basis to insure that such person does not commit new sex offense. The amendment also authorizes the board to assess a supervision and enforcement fee to be paid by such offender. After such offender has been under such supervision for a period of fifteen (15) years, such person may ask the court to be released from supervision. This amendment sets out procedures for such release and would require examination by a psychiatrist or licensed psychologist prior to such release. If the release petition is denied, such person may not reapply for release for a period of three (3) years. Violation of a condition of community supervision is a Class E felony. Each violation shall constitute a separate offense. The act would take effect July 1, 1996.